

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00071-MR-DLH**

SYNOVUS BANK,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
BOKKE IV L.L.C., JAMES ELEY,)	
LAURA KELLY, JOHN KELLY, SR.,)	
MARLON NIEMAND, MARK P. KELLY,)	
JOHN G. RECKENBEIL, and SIMON)	
MANNION,)	
)	
Defendants,)	
)	
vs.)	
)	
KEITH VINSON, et al.,)	
)	
Third Party)	
Defendants.)	
)	

THIS MATTER is before the Court on the Report of the Bankruptcy Trustee [Doc. 170].

In response to the Court's Order of February 4, 2014 [Doc. 155], the Trustee in Bankruptcy administering the estate of Defendant James Eley has filed a report advising of his determination to abandon any and all interest in the third-party claims asserted by Defendant Eley in this action.

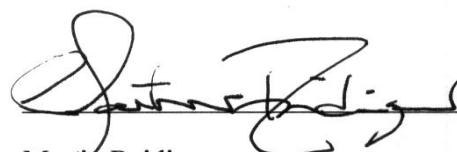
When a claim is abandoned by the trustee, the claim ceases to be a part of the bankruptcy estate and “reverts to the debtor and stands as if no bankruptcy petition was filed.” Dewsnup v. Timm, 908 F.2d 588, 590 (10th Cir. 1990). In light of the Bankruptcy Trustee’s abandonment of Defendant Eley’s third-party claims, the Court will lift the stay of this action so as to permit the prosecution of such claims.

IT IS, THEREFORE, ORDERED that the stay of this action is lifted with respect to Defendant Eley’s third-party claims only. This action remains stayed with respect to the Plaintiff’s claims against the Defendant.

IT IS FURTHER ORDERED that within fourteen (14) days of the entry of this Order, Defendant Eley shall advise the Court in writing whether he intends to pursue these third-party claims. Should the Defendant indicate that he intends to litigate such claims, the Court will enter an amended scheduling order.

IT IS SO ORDERED.

Signed: March 6, 2014


Martin Reidinger
United States District Judge

